

Message Text

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21

ACTION EB-07

INFO OCT-01 AF-06 ARA-06 EA-07 EUR-12 NEA-10 IO-10 ISO-00

FEA-01 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01

AID-05 CIEP-01 SS-15 STR-04 TAR-01 TRSE-00 USIA-06

PRS-01 SP-02 OMB-01 XMB-02 /134 W

----- 053273

R 180223Z NOV 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 4935

INFO AMEMBASSY BERN

AMEMBASSY BRASILIA

AMEMBASSY OTTAWA

USMISSION ECBRUSSELS

USMISSION GENEVA

US DEL MTN GENEVA

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E.O. 11652 N/A

TAGS: GATT, ETRD, BR

SUBJ: DEMARCHE ON BRAZILIAN APPLICATION FOR GATT WIAVER

REF: STATE 269733 AND PREVIOUS

1. EMBOFF MADE PRESENTATION PER REFTELS TO HAYASHI, DIRECTOR OF FIRST INT. ORG. DIV., DCON AFFAIRS BUREAU OF FONOFF, URGING GOJ TO INSTRUCT GATT DEL TO OPPOSE BRAZILIAN POSITION AND VOTE NO ON PROPOSED WAIVER--OR FAILING THAT TO AGREE TO ABSTAIN.

2. HAYASHI RESPONDED HE DID NOT BELIEVE IT WOULD BE FEASIBLE FOR GOJ TO DO SO. ACCORDING TO HAYASHI, BRAZILIAN WAIVER REQUEST WAS SCHEDULED TO BE CONSIDERED AT OCT. GATT COUNCIL MEETING; BRAZILIANS HAD ALREADY BEEN IN TO ASK GOJ'S FAVORABLE
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CONSIDERATION, AND INSTRUCTIONS HAD BEEN SENT TO GOJ MISSION

GENEVA TO EFFECT THAT JAPAN COULD ACCEPT BRAZILIAN WAIVER UNDER CERTAIN OUTLINED CONDITIONS, THIS HAD BEEN DONE PRIOR TO OCT. GATT COUNCIL MEETING AND BRAZILIAN EMBASSY TOKYO WAS SO INFORMED. IN VIEW OF THIS, HAYASHI SAW VIRTUALLY NO CHANGE THAT GOJ INSTRUCTIONS TO GENEVA WOULD BE CHANGED.

3. ON SUBSTANCE OF REQUEST HAYASHI EXPRESSED UNDERSTANDING FOR US CONCERN RE GRADUAL EROSION/ELIMINATION OF CONCESSIONS LDC'S POINT THAT "REDUCED PRICE" FOR DC CONCESSIONS MADE IT ALL THE MORE IMPORTANT THAT SUCH REDUCED PRICE NOT BE ERODED FURTHER, HAYASHI SAID HE SHARED THIS VIEW AS A POLICY MATTER BUT SAW NO WAY TO AVOID THE APPLICATION OF GATT ARTICLE 36:8. THERE APPEARED TO BE NO BASIS FOR DISTINCTION BETWEEN THE ORIGINAL GRANTING OF A CONCESSION AND THE RENEGOTIATION THEREOF; ARTICLE 36:8 IS IN THE GATT AND HAS BEEN ACCEPTED BY BOTH US AND JAPAN AND ON ITS FACE APPLIES TO ANY AND ALL NEGOTIATIONS OF TRADE CONCESSIONS BETWEEN DC'S AND LDC'S. IN HIS VIEW, HAYASHI SAID, ARTICLE 36:8 WOULD APPLY TO BRAZIL'S RENEGOTIATIONS WHETHER OR NOT THE WAIVER CONTAINED REFERENCE THERETO.
HODGSON

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